



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

NCG/AP
F. #2022R00039

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 13, 2022

By ECF

The Honorable Raymond J. Dearie
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Thomas Welnicki
Criminal Docket No. 22-164 (RJD) (S-2)

Dear Judge Dearie:

The government writes on behalf of both parties to inform the Court that a disposition has been reached. With respect to Count One of the Second Superseding Indictment, the government will defer the prosecution of the defendant for one year from December 12, 2022, pursuant to a deferred prosecution agreement ("DPA"). The government will move to dismiss the Second Superseding Indictment against the defendant with prejudice pursuant to Federal Rule of Criminal Procedure 48(a) at the conclusion of the deferral period if the defendant is in full compliance with his obligations under the DPA.

Accordingly, the parties respectfully request that the Court exclude time under the Speedy Trial Act for the one-year deferral period for the purpose of allowing the defendant to demonstrate his good conduct. See 18 U.S.C. § 3161(h)(2).

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/
Nina C. Gupta
Andrés Palacio
Assistant U.S. Attorneys
(718) 254-6257

cc: Deirdre D. von Dornum, Esq. (by ECF)